



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2005 REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 92

AS ENACTED

TUESDAY, MARCH 8, 2005

RECEIVED AND FILED
DATE March 18, 2005
5:59 PM
Filed without Governor's Signature
TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adler

A JOINT RESOLUTION relating to the budget process and declaring an emergency.

WHEREAS, the Constitution of the Commonwealth of Kentucky empowers the General Assembly to make appropriations; and

WHEREAS, the Kentucky Supreme Court recognizes that the budget, which appropriates the revenue of the Commonwealth and which determines how that revenue shall be spent, is fundamentally a legislative matter; and

WHEREAS, the General Assembly has enacted into law the statutory budget process that is primarily codified in KRS Chapter 48; and

WHEREAS, KRS 48.300(2) provides that prior to the passage of the budget bill, the appropriations committees of the General Assembly shall prepare a budget memorandum that shall enumerate the changes made by the appropriations committees in a branch budget recommendation, and that shall explain the changes in sufficient detail to convey the intent of the appropriations committees; and

WHEREAS, the Kentucky Supreme Court has upheld the use of the budget memorandum as a valid part of the statutory process;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1 Section 1. Any mandates, directives, or initiatives in the 2004-2006
2 State/Executive Branch Budget Memorandum shall have the force and effect of law.

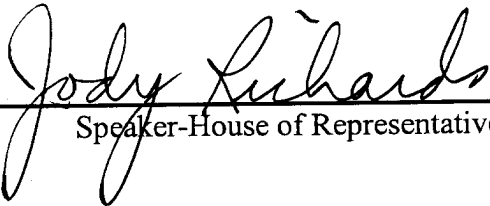
3 Section 2. The staff of the Legislative Research Commission shall have the
4 authority, subject to the approval of the Legislative Research Commission, to make
5 technical and format adjustments to the 2004-2006 State/Executive Branch Budget
6 Memorandum that do not alter the sense, meaning, or effect of the 2004-2006
7 State/Executive Branch Budget Bill or the 2004-2006 State/Executive Branch Budget
8 Memorandum.

9 Section 3. The provisions of the 2004-2006 State/Executive Branch Budget

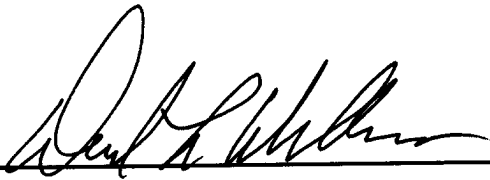
1 Memorandum shall not be construed to contain appropriations and, therefore, shall not
2 supersede appropriations contained in the 2004-2006 State/Executive Branch Budget Bill
3 or appropriations contained in any other enactment of the 2005 Regular Session of the
4 General Assembly. If any mandate, directive, or initiative contained in the 2004-2006
5 State/Executive Branch Budget Bill conflicts with any mandate, directive, or initiative
6 contained in the 2004-2006 State/Executive Branch Budget Memorandum, the mandate,
7 directive, or initiative contained in the 2004-2006 State/Executive Branch Budget Bill
8 shall prevail.

9 Section 4. Whereas the State/Executive Branch Budget Bill takes effect upon its
10 passage and approval of the Governor or its otherwise becoming law, an emergency is
11 declared to exist, and this Joint Resolution takes effect upon its passage and approval by
12 the Governor or its otherwise become law.

13 Section 5. The 2004-2006 State/Executive Branch Budget Memorandum is as
14 follows:



Speaker-House of Representatives



President of the Senate

Attest: 

Chief Clerk of House of Representatives

Approved _____
Governor

Date _____